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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/748,954

12/30/2003

Alfred Hernandez

24662.2

7882

41781

7590

02/22/2006

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EXAMINER

PHAN, HAU VAN

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/748,954             | HERNANDEZ, ALFRED   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Hau V Phan             | 3618                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Acknowledgment*

1. The amendment filed on 1/4/2006 has been entered.

### *Claim Objections*

2. Claim 1 is objected to because of the following informalities: line 20 "a user" should be changed to -- the user --. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (6,302,421) in view of Henriksson (5,279,180).**

Lee in figures 2A-2E, discloses an improved wheeled carriage having a frame with a triangular footprint and a plurality of wheel assemblies at least one of which wheel assemblies is a caster wheel assembly. The improvement comprises a caster wheel support assembly for the caster wheel assembly. The support assembly comprises a rotatable caster pivot shaft (as shown in figure 2D), one end of which retains a rotatable wheel (14) and a second end of which extends through a bearing

housing (not number, as shown in figure 2D). The caster pivot shaft has a radial index aperture (not number, as shown in figure 2D) positioned on the cylindrical surface of said caster pivot shaft. Lee also discloses an insertable retention pin (32) positioned proximate to the radial index aperture in the caster pivot shaft and alternately movable between a position removed from the aperture and a position inserted into the aperture. The retention comprises a spring (not shown, col. 9, lines 26-35) that preferences the retention pin to be removed from the aperture. Lee also discloses a mechanical linkage comprising a longitudinally moveable control cable (48), which is fixed a proximal end thereof to the retractable retention pin. The mechanical linkage operates against the force of the spring to insert the retention pin into the aperture, but fail to show a manually operable remote release mechanism.

Henriksson in figure 1, teaches an actuating device comprising a hand operated lever assembly, which can be used to actuate a brake or other wheel apparatus and can be positioned on a user accessible portion of a stroller. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the remote release mechanism of Lee with the actuating device having a hand operated lever assembly as taught by Henriksson in such a manner that a smaller or shorter operative movement need to be carried out for achieving the necessary stroke length for imparting the movement or actuation to the object which is to be actuated.

Regarding claim 4, Lee discloses the retention pin, which is positioned proximate to the aperture in the caster pivot shaft and is enclosed within a pin housing (16)

attached to the bearing housing. The control cable extends through an aperture in the cylindrical pin housing to its point of connection with the retention pin.

Regarding claim 10, Lee discloses the remote release mechanism may be fixed in an actuated condition such that the retention pin is removed from the aperture without requiring retention of the user's hand on the remote release mechanism.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 3-4 and 10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



2/14/06

Hau V Phan  
Primary Examiner  
Art Unit 3618